



Miami-Dade Legislative Item File Number: 121472

File Number: 121472	File Type: Resolution	Status: Adopted
Version: 0	Reference: R-658-12	Control: Board of County Commissioners
File Name: MAYOR NOT TO PARTICIPATE IN PROCUREMENT WHEN MAYOR/CONFLICT		Introduced: 7/13/2012
Requester: NONE	Cost:	Final Action: 8/23/2012
Agenda Date: 8/23/2012		Agenda Item Number: 10A15ALTERNATE

Notes: CHARTER AMENDMENT

Title: RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO PROVIDE THAT THE MAYOR NOT PARTICIPATE IN COUNTY PROCUREMENTS WHEN THE MAYOR HAS A CONFLICT OF INTEREST (SEE ORIGINAL ITEM UNDER FILE NO. 121398)

Indexes: CHARTER AMENDMENT

Sponsors: Sally A. Heyman ,Prime Sponsor

Sunset Provision: No

Effective Date:

Expiration Date:

Registered Lobbyist: None Listed

LEGISLATIVE HISTORY

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	8/23/2012	10A15 ALTERNATE	Adopted				P
Board of County Commissioners	7/17/2012	10A15 ALTERNATE	Deferred		8/23/2012		P
Office of the Chairperson	7/16/2012		Additions				
County Attorney	7/13/2012		Assigned	Oren Rosenthal			

LEGISLATIVE TEXT

TITLE

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI DADE COUNTY THE QUESTION OF WHETHER TO PROVIDE THAT THE MAYOR NOT PARTICIPATE IN COUNTY PROCUREMENTS WHEN THE MAYOR HAS A CONFLICT OF INTEREST

BODY

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida in conjunction with a General Election on Tuesday, November 6, 2012, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

CHARTER AMENDMENT REGARDING MAYORAL CONFLICTS IN COUNTY PROCUREMENT

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT WHEN THE COUNTY MAYOR DECLARES A CONFLICT OF INTEREST IN A PARTICULAR PROCUREMENT OF A COUNTY CONTRACT, THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS SHALL EXERCISE ALL AUTHORITY PROVIDED BY THE CHARTER OR THE COUNTY COMMISSION TO THE MAYOR WITH REGARD TO SUCH PROCUREMENT INCLUDING THE AUTHORITY TO RECOMMEND A BID WAIVER?

YES

NO

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

OTHER

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-51

ADMINISTRATIVE ORGANIZATION AND PROCEEDURE

* * *

SECTION 5.03 FINANCIAL ADMINISTRATION

* * *

D. Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county. >>Notwithstanding any other provision of the Charter to the contrary, in circumstances where the Mayor informs the Chairperson of the Board of County Commissioners in writing that he or she has a conflict of interest in the solicitation, evaluation, award, or recommendation of award of a contract, the Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or the Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.<<

1Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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